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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,132	03/15/2004	Mamoru Ozaki	16869N-110300US	3493
20350 7590 11/25/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER PARKER, BRANDI P				
ART UNIT		PAPER NUMBER		
3624				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,132

Applicant(s)

OZAKI ET AL.

Examiner

BRANDI P. PARKER

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 2, 11 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Acknowledgements

1. The following is a Final Office action in response to communications filed on 7/29/2008. Claims 1, 8 and 12 are amended. Claims 2, 11 and 13 are cancelled. New claims 18-23 are added.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Applicant's Remarks

3. Applicant's amendments to claims 1, 3-10, 12, and 14-23, filed on 7/29/2008, have been fully considered and are persuasive. The rejection of claims 1, 3-10, 12, and 14-23 under 35 USC § 112 has been withdrawn.

4. Applicant's arguments with respect to claims 1, 3-10, 12, and 14-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-10, 12, and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al (US 2003/0036982) in view of Mizushima et al (US 2003/0101106).

5. With respect to **claims 1, 8-10 and 12**, Tang teaches
- a. a device used for entering information required for customs procedures including a packing list (P/L) related to cargoes to be exported (paragraph 0026);
 - b. a device used for creating an electronic document and a manifest required for the customs procedures, based on said information required for customs procedures verifying consistency between data included in the manifest and the P/L by referring to a consistency collation rules table, wherein the consistency

collation rules table is to cross-reference data to be verified with manifest data, and P/L data (paragraph 0033, 0035);

c. a device used for, in response to verifying the consistency of the electronic document, transmitting said electronic document to a customs information system via a network (paragraph 0027);

d. a device for receiving a an examination result by said customs information system on said transmitted electronic document; (paragraph 0027); and

e. a device for transmitting said received examination result to an information processing device of a concerned party, wherein the concerned party is to enter at least said information required for the customs procedures (paragraph 0028).

Although the system in Tang does have information relating to the loading and destination port, cargo information including contents, Tang does not specifically teach verifying the consistency of a bill of lading (B/L) or an invoice (I/V). However, Mizushima teaches a distribution system for cargo that issues a bill of lading which in turn can be used to issue an invoice of a cargo. (paragraph 0210).

It would have been obvious to one of ordinary skill in the art to include the business system of Tang with the ability to creating an electronic document and verifying the consistency of a bill of lading (B/L) or an invoice (I/V) as taught by Mizushima since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

6. As to **claims 3 and 14**, Tang in view of Mizushima teaches a logistics control information system according to claim 1. The only difference between Tang in view of Mizushima and the claimed subject matter is that the combination does not explicitly disclose who owns the information processing device or whether the owner is an exporter, a custom-house broker, a nonvessel operating common carrier (NVOCC) or a carrier. However, the system of Tang in view of Mizushima is applied to the realm of inspecting and exporting cargo. Thus, a predictable result of Tang would be for the owner of the claimed system to be an exporter, custom-house broker, a nonvessel operating common carrier (NVOCC) or a carrier.

7. With respect to **claim 4**, Tang teaches a logistics control information system according to claim 1, wherein said information on cargoes to be exported includes information to specify said cargoes, loading port information of said cargoes, and destination information of said cargoes (paragraph 0013) .

8. Regarding **claims 5 and 15**, Tang teaches a logistics control information system according to claim 1, wherein part of information on said cargoes to be exported is entered as at least two different types of data among packing list data, shipping

instruction data, invoice data and bill of lading data as electronic document data (paragraph 0026).

9. As to **claims 6 and 16**, Tang teaches a logistics control information system according to claim 5, wherein, if data entry of part of said information on cargoes to be exported is divided and executed a plurality of times to deal with said electronic document data, parts of said information that are entered said plurality of times are cross-referenced (paragraph 0033).

10. With respect to **claims 7 and 17**, Tang teaches a logistics control information system according to claim 5, wherein said part of said information on cargoes to be exported is entered and stored as said at least two different types of data (paragraph 0028).

11. Regarding **claim 18, 20 and 22**, Tang teaches wherein said information required for the customs procedures comprises document data necessary to process a transaction extracted from a database (paragraph 0033, 0035).

12. As to **claim 19, 21 and 23**, Tang in view of Mizushima teaches a bill of lading, invoice and packing list that can be extracted from a database. Mizushima further teaches a bill number on the bill of lading for tracking purposes (paragraph 0036). It is old and well known to have one reference number for multiple documents relating to a

particular import or export shipment purposes. Thus, having the bill of lading, invoice and packing list with the same reference number would be a predictable result of the combination of Tang in view of Mizushima for documents relating to a particular export cargo.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **BRANDI P. PARKER** whose telephone number is (571) 272-9796. The examiner can normally be reached on **Mon-Thurs. 8-5pm**.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley B. Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/
Examiner, Art Unit 3624

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624